

Introduced by Senator Knight

February 3, 2003

An act to amend Sections 4866 and 6086.12 of, and to repeal Section 2106 of, the Business and Professions Code, to amend Section 89343 of, and to repeal Sections 45357, 51882, 62006, 62007, and 62008 of, the Education Code, to repeal Section 20025 of the Family Code, to amend Sections 853 and 7147 of, and to repeal Section 715 of, the Fish and Game Code, to amend Section 58509 of, and to repeal Sections 13124 and 13125 of, the Food and Agricultural Code, to repeal Section 16272.3 of the Government Code, to amend Sections 11798.1, 11831.5, 11998.2, and 16109 of, to repeal Sections 1529.3, 11756.5, 11757.62, 11782, and 11963.5 of, and to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 7514, 13508, and 14210 of, and to repeal Sections 7009, 11110, and 13871 of, the Penal Code, to repeal Section 8303, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405 and 19264 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to amend Sections 14112 and 40001 of, and to repeal Sections 2575, 4750.2, 32005, and 34508.5 of, the Vehicle Code, to repeal Section 1061 of the Water Code, and to amend Section 14026.5 of, and to repeal Section 4681.2 of, the Welfare and Institutions Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as introduced, Knight. State reporting requirements.

(1) Existing law requires various state agencies to prepare and submit reports to the Legislature and Governor on various topics throughout the year.

This bill would delete various reporting requirements with elapsed deadlines.

(2) Existing law establishes, for specified time periods, pilot and demonstration projects regarding alcohol and drug abuse.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2106 of the Business and Professions
2 Code is repealed.

3 ~~2106. On or before July 1, 1993, the board shall report to the~~
4 ~~appropriate policy committees of the Senate and Assembly both~~
5 ~~of the following:~~

6 ~~(a) The number of foreign-trained and domestic-trained~~
7 ~~medical school graduates who have applied to the board for~~
8 ~~examination through the United States Medical Licensing~~
9 ~~Examination.~~

10 ~~(b) The passage and failure rates for foreign-trained and~~
11 ~~domestic-trained medical school graduates who have taken the~~
12 ~~United States Medical Licensing Examination administered by the~~
13 ~~board.~~

14 SEC. 2. Section 4866 of the Business and Professions Code
15 is amended to read:

16 4866. (a) The board shall establish criteria for the
17 acceptance, denial, or termination of veterinarians and animal
18 health technicians in a diversion program. Only those
19 veterinarians and animal health technicians who have voluntarily
20 requested diversion treatment and supervision by a diversion
21 evaluation committee shall participate in a program.

22 (b) The board shall establish criteria for the selection of
23 administrative physicians who shall examine veterinarians and
24 animal health technicians requesting diversion under a program.
25 Any reports made under this article by the administrative
26 physician shall constitute an exception to Sections 994 and 995 of
27 the Evidence Code.



(c) The diversion program may accept no more than 100 participants who are licensees of the board.

~~(d) The board shall evaluate the effectiveness and necessity of the diversion program and report its findings to the Senate Committee on Business and Professions and the Assembly Committee on Agriculture on or before March 1, 1989.~~

SEC. 3. Section 6086.12 of the Business and Professions Code is amended to read:

~~6086.12. The Legislative Analyst shall evaluate the workload of the State Bar Court as established by the act which added this section at the 1987-88 Regular Session of the Legislature. A final written report of his or her findings and conclusions shall be submitted to the Assembly and Senate Judiciary Committees no later than December 31, 1991.~~

~~In order to conduct this evaluation, the~~ The State Bar shall submit to the Legislative Analyst quarterly, ~~beginning October 1, 1989,~~ information that includes, but is not limited to, statistics on the productivity of judges and clerks of the State Bar Court, including the number of rulings, orders, dispositions, and advisory memos produced, the number and type of hearings and appeals, and the complexity of cases. The State Bar shall also submit to the Legislative Analyst quarterly data regarding the use of pro tempore judges and the productivity of the State Bar Court Clerk's Office.

SEC. 4. Section 45357 of the Education Code is repealed.
~~45357. No later than June 30, 1994, the California Postsecondary Education Commission shall complete an evaluation of the Associate of Arts, Teacher Assistant program, as operated in the two community college districts selected pursuant to Section 45351, which shall include, but need not be limited to, the data set forth in paragraph (3) of subdivision (c) of Section 45351, and shall report the results of that evaluation, together with its recommendations for program improvements, if any, to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction.~~

SEC. 5. Section 51882 of the Education Code is repealed.
~~51882. The Legislative Analyst shall report to the Legislature, by April 1, 1979, on the status of the programs provided for by this chapter in terms of the number of participating~~

~~1 school districts, materials distributed and developed, the extent of~~
~~2 in-service training and participants, trend of the programs, and~~
~~3 similar factors.~~

~~4 SEC. 6. Section 62006 of the Education Code is repealed.~~

~~5 62006. (a) The Legislature shall begin immediately a~~
~~6 detailed study which shall ensure that each funding source and~~
~~7 program is scrutinized regarding, but not limited to, the following:~~

~~8 (1) Appropriateness of identification formulas in determining~~
~~9 which children have special needs.~~

~~10 (2) Appropriateness of allocation formulas and adequacy of~~
~~11 funding.~~

~~12 (3) Effectiveness of programs.~~

~~13 (4) Appropriateness of local control.~~

~~14 (5) Appropriateness of state level involvement in monitor,~~
~~15 review, and auditing to assure that funds are being used efficiently,~~
~~16 economically, and legally.~~

~~17 (6) Appropriateness of costs of administration at all levels of~~
~~18 operating these programs.~~

~~19 (7) Appropriateness of State Department of Education~~
~~20 administration of categorical programs.~~

~~21 (8) Interrelationships between and among state and federal~~
~~22 categorical programs, as appropriate.~~

~~23 (9) Characteristics of the target population being served.~~

~~24 (10) Need for the program.~~

~~25 (11) Purpose and intent of the program.~~

~~26 (b) In order to facilitate the legislative review, reports shall be~~
~~27 developed and submitted to the Legislature pursuant to~~
~~28 subdivisions (c), (e), and (f). The reports for programs scheduled~~
~~29 to sunset in 1986 shall be submitted to the Legislature by January~~
~~30 31, 1985; for programs scheduled to sunset in 1987, the reports~~
~~31 shall be submitted by September 15, 1985; for programs scheduled~~
~~32 to sunset in 1988, the reports shall be submitted by September 15,~~
~~33 1986; for programs scheduled to sunset in 1989, the reports shall~~
~~34 be submitted by September 15, 1987.~~

~~35 The report by any agency in any given year may comment,~~
~~36 within a single report, on all programs scheduled to sunset in the~~
~~37 applicable year.~~

~~38 (c) The State Department of Education shall submit a report on~~
~~39 the applicable programs pursuant to the schedule provided in~~
~~40 subdivision (b) and shall also submit a copy of each report to the~~

1 ~~Legislative Analyst. The report shall contain, but not be limited to,~~
2 ~~all of the following:~~

3 ~~(1) A description of the programs, including narrative~~
4 ~~descriptions of how they are typically operated at the local level~~
5 ~~and how they are administered at the state level.~~

6 ~~(2) The history of the program or programs and previous~~
7 ~~legislative action.~~

8 ~~(3) Relevant statistical data, including enrollment and fiscal~~
9 ~~data.~~

10 ~~(4) Related federal programs, and any provisions of federal law~~
11 ~~which may be appropriate for the Legislature to consider in its~~
12 ~~review of the state programs.~~

13 ~~(5) Whether there is an unmet need for the intended purposes~~
14 ~~of the program and, if any, the estimated cost of serving that unmet~~
15 ~~need.~~

16 ~~(6) Findings regarding the program, addressing as many of the~~
17 ~~issues identified in subdivision (a) as is possible. To the extent~~
18 ~~appropriate, as determined by the State Department of Education,~~
19 ~~the report shall include comments on whether any identified~~
20 ~~problems are implementation issues, or issues that warrant~~
21 ~~revision of law or regulations.~~

22 ~~(7) Recommendations of ways to improve the program while~~
23 ~~maintaining its basic purposes.~~

24 ~~(d) The Legislative Analyst shall review the report submitted~~
25 ~~by the State Department of Education and, no later than 90 days~~
26 ~~following the receipt of each report, shall submit findings,~~
27 ~~comments, and recommendations, as the Legislative Analyst~~
28 ~~determines appropriate, regarding the program, addressing as~~
29 ~~many of the issues identified in subdivision (a) as the Legislative~~
30 ~~Analyst determines is possible. To the extent determined~~
31 ~~appropriate by the Legislative Analyst, the report shall include~~
32 ~~comments on whether any identified problems are implementation~~
33 ~~issues or issues that warrant revision of the law or regulations and~~
34 ~~shall include recommendations of ways to improve the programs~~
35 ~~while maintaining its basic purposes.~~

36 ~~(e) The Legislative Counsel shall submit a report on the~~
37 ~~applicable programs, pursuant to the schedule provided in~~
38 ~~subdivision (b). The report shall include, but not be limited to, the~~
39 ~~following:~~

1 ~~(1) A summary of the law regarding the programs, including~~
2 ~~applicable regulations.~~

3 ~~(2) A summary of related federal law and regulations, if any.~~

4 ~~(3) A summary of related court decisions, if any.~~

5 ~~(4) A summary of any federal provisions or court decisions~~
6 ~~which place constraints on the Legislature's alternatives.~~

7 ~~(f) Each temporary advisory committee established pursuant to~~
8 ~~Section 62006.5 shall submit a report on the applicable programs;~~
9 ~~pursuant to the schedule provided in subdivision (b). The report~~
10 ~~shall make findings and recommendations on as many of the issues~~
11 ~~identified in subdivision (a), as is possible.~~

12 SEC. 7. Section 62007 of the Education Code is repealed.

13 ~~62007.—The State Department of Education shall review and~~
14 ~~report upon the adult education program authorized pursuant to~~
15 ~~Chapter 3 (commencing with Section 8500) of Part 6 and Chapter~~
16 ~~10 (commencing with Section 52500) of Part 28 of the Education~~
17 ~~Code. The State Department of Education shall submit its report~~
18 ~~to the appropriate policy and fiscal committees of the Legislature~~
19 ~~on or before June 30, 1994. The Legislative Analyst shall submit~~
20 ~~his or her review of the report to the appropriate policy and fiscal~~
21 ~~committees of the Legislature within 90 days after receiving the~~
22 ~~State Department of Education report. In conducting the review~~
23 ~~required by this section, the State Department of Education shall~~
24 ~~consider the issues listed in subdivisions (a) and (c) of Section~~
25 ~~62006 and shall make recommendations on any appropriate~~
26 ~~revisions of the law or regulations governing the program.~~

27 SEC. 8. Section 62008 of the Education Code is repealed.

28 ~~62008.—The State Department of Education shall review and~~
29 ~~report upon the Instructional Materials Program authorized~~
30 ~~pursuant to Part 33 (commencing with Section 60000). The State~~
31 ~~Department of Education shall submit its report to the appropriate~~
32 ~~policy and fiscal committees of the Legislature on or before June~~
33 ~~30, 1995. The Legislative Analyst shall submit his or her review~~
34 ~~of the report to the appropriate policy and fiscal committees of the~~
35 ~~Legislature within 90 days after receiving the State Department of~~
36 ~~Education report. In conducting the review required by this~~
37 ~~section, the State Department of Education shall consider the~~
38 ~~issues listed in subdivisions (a) and (c) of Section 62006 and shall~~
39 ~~make recommendations on any appropriate revisions of the law or~~
40 ~~regulations governing the program.~~

1 SEC. 9. Section 89343 of the Education Code is amended to
2 read:

3 89343. The Trustees of the California State University and
4 Board of Governors of the California Community Colleges shall
5 evaluate the extent to which their current programs are meeting the
6 needs of foster youth and how those outreach and retention
7 services can be improved. ~~The trustees and the board of governors~~
8 ~~shall make a progress report to the Legislature by January 1, 1998,~~
9 ~~on their current and expanded services and efforts to increase the~~
10 ~~number of emancipated foster youth who attend the university or~~
11 ~~a community college and remain in school to earn a degree or~~
12 ~~certificate.~~

13 SEC. 10. Section 20025 of the Family Code is repealed.

14 ~~20025. (a) The presiding judge of the San Mateo County~~
15 ~~Superior Court, in conjunction with judges of the family law court~~
16 ~~and with attorneys practicing therein selected by the presiding~~
17 ~~judge, shall conduct a study of the effectiveness of the San Mateo~~
18 ~~Pilot Project in making the California child support system more~~
19 ~~equitable, responsive, cost effective, and accessible, particularly~~
20 ~~to those with middle and low incomes, and shall make a report of~~
21 ~~findings to the Legislature on or before July 1, 1994.~~

22 ~~(b) The satisfaction of participating parties shall be determined~~
23 ~~by requiring litigants entering the pilot project to fill out a simple~~
24 ~~exit poll. The response of at least 70 percent of those~~
25 ~~questionnaires shall be analyzed by the Senate Office of Research~~
26 ~~to decide whether the program has been deemed satisfactory by the~~
27 ~~participants.~~

28 SEC. 11. Section 715 of the Fish and Game Code is repealed.

29 ~~715. The department shall report on or before January 30,~~
30 ~~1996, to the Senate Committee on Natural Resources and Wildlife~~
31 ~~and the Assembly Committee on Water, Parks and Wildlife on the~~
32 ~~feasibility of the department entering into the National Wildlife~~
33 ~~Violator Compact. The report shall include an analysis of the steps~~
34 ~~needed for implementation and the fiscal impact of participation~~
35 ~~in the National Wildlife Violator Compact. The department shall~~
36 ~~not enter into the National Wildlife Violator Compact without~~
37 ~~further authorization by statute.~~

38 SEC. 12. Section 853 of the Fish and Game Code is amended
39 to read:

1 853. ~~(a)~~—The director may deputize any employee of the
2 department to check persons for licenses required under Section
3 7145 and to enforce violation of that section. Before a person is
4 deputized pursuant to this section for the first time, the person shall
5 have satisfactorily completed a training course meeting the
6 minimum standards of, and comparable to, the training for “level
7 III reserve” as set forth in the regulations of the Commission on
8 Peace Officer Standards and Training. Any person, who is
9 deputized for this limited purpose pursuant to this section, may not
10 enforce any other provision of this code, and is not a peace officer
11 subject to Chapter 4.5 (commencing with Section 830) of Title 3
12 of Part 2 of the Penal Code.

13 ~~(b) On or before March 31, 1993, the department shall prepare~~
14 ~~a report on the effectiveness of the program authorized by this~~
15 ~~section and shall submit the report to the Joint Committee on~~
16 ~~Fisheries and Aquaculture. Copies of the report shall be made~~
17 ~~available to the commission, personnel of the department, and~~
18 ~~interested members of the public.~~

19 SEC. 13. Section 7147 of the Fish and Game Code is amended
20 to read:

21 7147. ~~(a)~~—The owner or operator of a boat or vessel licensed
22 pursuant to Section 7920 shall not permit any person to fish from
23 that boat or vessel unless that person has, in his or her possession,
24 a valid sportfishing license, sport ocean fishing license, or sport
25 ocean fin fishing license and any required license stamp.

26 ~~(b) On or before March 1, 1995, the department shall submit to~~
27 ~~the Legislature a report evaluating the effect of this section and its~~
28 ~~recommendations on whether the operation of this section should~~
29 ~~be continued. The report shall include a summary of comments~~
30 ~~compiled by organizations representing commercial passenger~~
31 ~~fishing vessel owners if those comments are submitted to the~~
32 ~~department on or before January 1, 1995.~~

33 SEC. 14. Section 13124 of the Food and Agricultural Code is
34 repealed.

35 ~~13124.~~—The department shall report all of the following to the
36 Legislature:

37 ~~(a) By April 1, 1985, a list of pesticide active ingredients~~
38 ~~currently registered in California.~~

1 ~~(b) By April 1, 1985, a list of the department's mandatory~~
2 ~~health effects study requirements for full registration of pesticides~~
3 ~~in California as of July 1, 1983.~~

4 ~~(c) By July 1, 1985, a list of mandatory health effects studies~~
5 ~~on file at the department for each pesticide active ingredient.~~

6 SEC. 15. Section 13125 of the Food and Agricultural Code is
7 repealed.

8 ~~13125. Not later than December 31, 1985, the department~~
9 ~~shall report the following information for each active pesticide~~
10 ~~ingredient presently registered in California:~~

11 ~~(a) The department's determination of whether each of the~~
12 ~~studies specified in Section 13124 is valid, complete, and~~
13 ~~adequate. This determination shall be based on a thorough~~
14 ~~evaluation of the studies, but does not require an onsite audit of the~~
15 ~~laboratory that produced the study.~~

16 ~~(b) A list of data gaps for each active pesticide ingredient.~~

17 ~~(c) The department's determination of whether each study~~
18 ~~shows adverse reproductive effects, chronic toxicity, mutagenic~~
19 ~~effects, neurotoxic effects, oncogenic effects, or teratogenic~~
20 ~~effects.~~

21 ~~(d) For each active pesticide ingredient for which an effect~~
22 ~~described in subdivision (c) has been shown, or a data gap exists,~~
23 ~~a list of the amount sold in California during 1985, and whether~~
24 ~~this active ingredient is sold for home or agricultural use.~~

25 ~~(e) If all of the data cannot be acquired by the department by the~~
26 ~~reporting deadline established by this section, the department shall~~
27 ~~report the data available, and provide a supplemental report with~~
28 ~~the remaining data by April 1, 1986.~~

29 SEC. 16. Section 58509 of the Food and Agricultural Code is
30 amended to read:

31 58509. (a) The Secretary of the State and Consumer Services
32 Agency shall review the federal Temporary Emergency Food
33 Assistance Program and submit a report on or before March 1,
34 1985, to the Legislature regarding recommendations for the
35 operation and administration of this program in the state. In
36 performing this review, the secretary shall, at a minimum, consult
37 with the departments of the Health and Welfare Agency, such as
38 the Department of Aging and the Department of Social Services,
39 and shall also consult with the Departments of Education, General
40 Services, and Food and Agriculture. In addition, the secretary shall

1 consult with four food bank representatives, two from the northern
2 portion of the state, all of whom have been active members of a
3 nationwide network of food banks for a minimum of two years
4 immediately prior to appointment, and two from the southern
5 portion of the state, all of whom have been active members of a
6 nationwide network of food banks for a minimum of two years
7 immediately prior to appointment, and two food industry
8 representatives, one wholesaler and one manufacturer, all of
9 whom shall be selected by the Governor and referred to as the Food
10 Bank Advisory Committee.

11 ~~(b) The committee shall begin deliberations as soon as~~
12 ~~practicable following the effective date of this section.~~

13 ~~(c) Members of the committee who are not state employees~~
14 ~~shall be paid per diem for their actual expenses in attending~~
15 ~~committee meetings.~~

16 ~~(d) For purposes of the report, the committee shall do all of the~~
17 ~~following:~~

18 ~~(1) Provide information to the State and Consumer Services~~
19 ~~Agency regarding food bank programs.~~

20 ~~(2) Review procedures that will assure that storage,~~
21 ~~transportation, and distribution activities conducted by the state~~
22 ~~are efficiently carried out and are responsive to the needs of local~~
23 ~~food banks and community organizations involved in food~~
24 ~~distribution.~~

25 ~~(3) Review procedures that will assure maximum access for~~
26 ~~food banks and community organizations involved in food~~
27 ~~distribution to all available federal surplus commodities and to all~~
28 ~~potential private contributions of food commodities available for~~
29 ~~distribution to the needy.~~

30 ~~(4) Review procedures that will assure that necessary technical~~
31 ~~assistance is available to facilitate the creation of food banks in~~
32 ~~areas of the state in which they are needed and to facilitate food~~
33 ~~banks and community organizations to obtain and effectively~~
34 ~~utilize surplus agricultural commodities.~~

35 ~~(5) Review procedures that will minimize the requirements~~
36 ~~imposed on eligible recipient agencies insofar as practicable while~~
37 ~~also complying with Public Law 98-8 and Public Law 98-92.~~

38 ~~(e) In addition to assisting in preparation of the report, the~~

39 ~~(c) The committee shall do all of the following:~~

(1) Advise the State and Consumer Services Agency in the establishment of new food banks.

(2) Advise in the adequate and efficient distribution of surplus food commodities to all areas of the state.

SEC. 17. Section 16272.3 of the Government Code is repealed.

~~16272.3. Each fiscal officer shall report to the State Controller, on or before July 15, 1978, the amount of the ad valorem property taxes levied by the special districts for which he serves as fiscal officer, for fiscal year 1977-78 minus the amount allocated to each special district for 1978-79 pursuant to Section 26912.1.~~

SEC. 18. Section 1529.3 of the Health and Safety Code is repealed.

~~1529.3. (a) By January 1, 1990, the Legislative Analyst shall report to the Legislature on the status of foster parent training in California. The report shall include, but not be limited to, the following: identification of a desirable basic curriculum of training for foster parents, identification of specialized training needs for foster parents in addition to the basic curriculum; recommendations for whether training should be mandatory for all foster parents; and recommendations on how the training should be funded.~~

~~(b) In preparing the report, the Legislative Analyst shall consult with the State Department of Social Services, the Chancellor of the California Community Colleges, the California State Foster Parents Association, the California Association of Services for Children, the County Welfare Directors Association, and other appropriate parties.~~

SEC. 19. Section 11756.5 of the Health and Safety Code is repealed.

~~11756.5. (a) The director shall provide funding for the establishment of three pilot projects aimed at the prevention and nonresidential treatment of alcohol and drug abuse in Asian and Pacific Islander communities. Only one project shall be funded in each county. The projects may serve either adults exclusively, or youth exclusively, or both.~~

~~(b) The pilot projects shall operate for a period of three years, commencing on April 1, 1991.~~

~~(c) Each of the pilot projects shall be located in counties that have an unmet need for services to the Asian and Pacific Islander population. The pilot projects shall be ethnic-specific, employing bilingual, bicultural counselors, and involving family members and traditional community resources and indigenous Asian and Pacific Islander approaches.~~

~~(d) In determining unmet needs, the department shall consider the population and diversity of Asians and Pacific Islanders in each county.~~

~~(1) Only those programs that demonstrate a potential client population of at least 3,000 shall be funded.~~

~~(2) Each program to be funded shall demonstrate the capacity to serve at least 5 percent of the potential client population.~~

~~(e) In selecting the projects to be funded, the director shall also consider evidence of community support, including, but not limited to, business, educational, charitable, and social service groups. Priority shall be given to programs aimed at respecting the cultural diversity within the target population, especially new and emerging immigrant groups, by offering a spectrum of services.~~

~~(f) The department shall evaluate the success of the pilot projects and shall submit an evaluation report to the Legislature no later than December 1, 1994. The evaluation report shall contain, but shall not be limited to, all the following:~~

~~(1) The number of clients served by each pilot project.~~

~~(2) The number of clients who successfully completed the program offered by each pilot project.~~

~~(3) The nature and extent of the alcohol and drug abuse of the clients during the last 30 days of the program offered by each pilot project.~~

~~(4) The types of prevention and treatment services provided.~~

~~(5) The effectiveness of using bilingual and bicultural approaches to prevention and treatment.~~

~~(g) A pilot project shall be deemed successful if both the following occur:~~

~~(1) The project served 20 percent more Asian and Pacific Islander clients than were served by any previously existing programs.~~

~~(2) The number of referrals to the project from courts and social service and mental health agencies increased 20 percent over prior referrals to any previously existing programs.~~

~~(h) To the extent permitted by federal law, the department shall use three hundred thousand dollars (\$300,000) of available federal Alcohol, Drug Abuse, and Mental Health Services Block Grant funds to provide funding for the pilot projects established pursuant to this section for the first year of implementation. It is the intent of the Legislature that funding for the pilot projects in subsequent years be appropriated in the annual Budget Act.~~

SEC. 20. Section 11757.62 of the Health and Safety Code is repealed.

~~11757.62. The office, in consultation with the interagency task force, shall evaluate the effectiveness of the pilot project, Services to Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants, and shall report its findings to the Legislature no later than June 30, 1994.~~

SEC. 21. Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of the Health and Safety Code is repealed.

SEC. 22. Section 11782 of the Health and Safety Code is repealed.

~~11782. The department shall contract for a statewide independent evaluation of both the current alcohol and drug service delivery systems and methods to increase access to alcohol and drug recovery programs for disenfranchised populations.~~

~~(a) The target populations shall include, but not be limited to:~~

~~(1) Women.~~

~~(2) Ethnic minorities.~~

~~(3) Adolescents.~~

~~(4) The elderly.~~

~~(5) The disabled.~~

~~(6) The homeless.~~

~~(7) Any other group determined by the department to be underserved.~~

~~(b) Prior to commencing the evaluation, the independent contractor shall consult with representatives of affected state and local agencies and community groups, including, but not limited to:~~

~~(1) State agencies responsible for providing services to the target populations.~~

~~(2) County alcohol and drug program administrators.~~

~~(3) Each of the designated target population constituency groups.~~

~~(4) Community-based organizations which provide alcohol abuse prevention and recovery services, drug abuse prevention and treatment services, or both to one or more of the target population groups.~~

~~(c) The independent evaluation shall include, but not be limited to, the following:~~

~~(1) Review and evaluation of both the county alcohol plan and the county drug plan.~~

~~(2) Review and evaluation of legislative mandates to ascertain accessibility to alcohol and drug abuse prevention and recovery programs by the target populations and to define the barriers to such access.~~

~~(3) Comparative analyses of county alcohol plans and county drug plans with the actual services provided by each county studied.~~

~~(A) The analyses shall include specific descriptions of services provided to each of the target populations, as well as a list of alternative services available to the target populations in each county studied.~~

~~(B) In conducting the analyses, community-based organizations providing services to the target populations most heavily underserved shall be interviewed in general on the quality of county support and specifically on barriers to access of services.~~

~~(C) At least four counties shall be evaluated, including Los Angeles County, a primarily urban county other than Los Angeles County, a primarily suburban county, and a primarily rural county.~~

~~(4) Recommendations to the department for any administrative policy, funding, and regulatory changes necessary to enhance access to programs by the target populations.~~

~~(5) Recommendations to the Legislature for funding and statutory changes necessary to enhance access to programs by the target populations.~~

~~(d) On or before September 30, 1991, the department shall issue a final report to the Legislature on the findings of the independent evaluation.~~

~~(e) Within six months after issuing the final report, the department shall hold a series of public hearings on the findings~~

1 and recommendations provided by the independent evaluation and
2 contained in the final report.

3 SEC. 23. Section 11798.1 of the Health and Safety Code is
4 amended to read:

5 11798.1. (a) ~~Notwithstanding any other provision of this~~
6 ~~division, the director shall establish a demonstration program with~~
7 ~~Fresno, San Francisco, and San Mateo Counties, whereby Fresno,~~
8 ~~San Francisco, and San Mateo Counties shall each develop and~~
9 ~~operate its alcohol and drug abuse programs that would otherwise~~
10 ~~be required under this division, as one coordinated program in~~
11 ~~each county. However, the demonstration program shall only~~
12 ~~operate in any of these counties if the board of supervisors of the~~
13 ~~respective county adopts a resolution consenting to the~~
14 ~~establishment of the demonstration program. Notwithstanding any~~
15 ~~other provision of this division, the director shall permit Marin,~~
16 ~~Santa Clara, San Diego, San Luis Obispo, Solano, and Ventura~~
17 ~~Counties to participate in the demonstration program commencing~~
18 ~~on the effective date of amendments to this section pursuant to~~
19 ~~Assembly Bill 2591, of the 1991–92 Regular Session.~~

20 (b) ~~In establishing this demonstration program, it is the intent~~
21 ~~of the Legislature that:~~

22 (1) ~~In developing and operating this demonstration program,~~
23 ~~counties may combine their alcohol and drug advisory boards,~~
24 ~~their alcohol and drug plan, their alcohol and drug budget, and~~
25 ~~submission deadlines for alcohol and drug budgets and cost reports~~
26 ~~and their administration at both the county and provider level.~~

27 (2) ~~The demonstration program shall reflect current licensing~~
28 ~~and program standards, except as defined in paragraph (3).~~

29 (3) ~~In circumstances where any of the participating counties~~
30 ~~wish to combine treatment programs for persons with both alcohol~~
31 ~~and drug problems, the county shall first submit its plan and~~
32 ~~program standards for the treatment programs to the department~~
33 ~~for approval.~~

34 (4) ~~The demonstration programs shall assess or categorize a~~
35 ~~program participant at the time of admission and discharge as~~
36 ~~having problems primarily with abuse of either alcohol or of drugs~~
37 ~~for purposes of federal reimbursement as required by federal law~~
38 ~~and report information to the department in a form consistent with~~
39 ~~existing data collection systems.~~

~~(5) All participating counties shall report to the director no later than October 1 of each year, that information which the director determines is reasonably necessary to determine the utility of these demonstration programs compared to operations in those counties prior to implementation of this section. This information shall include, but not be limited to, each of the following:~~

~~(A) The extent of savings in administrative costs as a result of consolidation.~~

~~(B) The extent of any shift of resources from administrative support to service delivery.~~

~~(C) The impact of this demonstration program on service delivery and program effectiveness, including social model programs, and the achievement of outcomes identified in the county plans.~~

~~(D) The impact of this demonstration on the program availability of federal funds.~~

~~(E) The extent to which individuals with primary alcohol problems decline services because of this demonstration program.~~

~~(F) Ability of the demonstration program to incorporate effective prevention efforts.~~

~~(G) Survey of participant attitudes regarding satisfaction with services to assure that the unique problems of drug abusers and persons inappropriately using alcohol are adequately addressed.~~

~~(H) Recovery rates compared with similar counties.~~

~~(I) The impact of this demonstration program on unit costs as compared to previous service costs for alcohol and drug services.~~

~~(J) The extent of training provided for alcohol and drug recovery program staff.~~

~~No later than January 1, 1994, the director shall report to the Legislature regarding the impact of consolidation. The report shall include a program evaluation based on the above information.~~

~~(e) Notwithstanding any other requirement of this division, commencing July 1, 1993, the pilot program pursuant to subdivisions (a) and (b) of this section shall terminate and thereafter any county may, by resolution of its board of supervisors, develop and operate alcohol and drug abuse programs as one coordinated system. In establishing coordinated systems with combined alcohol and drug services counties shall do all of the following:~~

~~(1)–~~

1 (a) Submit a combined alcohol and drug plan, including, but
2 not limited to, a budget of all funds allocated to the county by the
3 department.

4 ~~(2)–~~

5 (b) Report all of the following to the department:

6 ~~(A)–~~

7 (1) Utilization of all funds allocated by the department to the
8 county in a combined annual expenditure report pursuant to state
9 and federal requirements.

10 ~~(B)–~~

11 (2) All information necessary for the department to administer
12 this section, including, but not limited to, information needed to
13 meet federal reporting requirements. This information shall be
14 reported on a form developed by the department in consultation
15 with the County Alcohol and Drug Administrators Association.

16 ~~(3)–~~

17 (c) Combine drug and alcohol administrations in performance
18 of alcohol and drug program administrative duties pursuant to
19 Sections 11801 and 11963.

20 ~~(4)–~~

21 (d) In circumstances where any of the participating counties
22 wish to combine treatment programs for persons with both alcohol
23 and drug problems, the county shall first submit its plan and
24 program standards for the treatment programs to the department
25 for approval.

26 ~~(5)–~~

27 (e) Require combined programs, for planning and
28 reimbursement purposes, to assess or categorize program
29 participants at the time of admission and discharge with regard to
30 whether their primary treatment needs are related to abuse of
31 alcohol or of drugs.

32 ~~(6)–~~

33 (f) Ensure that combined programs comply with statewide
34 program standards developed pursuant to regulations adopted by
35 the department in consultation with the alcohol and drug
36 administrators.

37 SEC. 24. Section 11831.5 of the Health and Safety Code is
38 amended to read:

39 11831.5. (a) Certification shall be granted by the department
40 pursuant to this section to any alcoholism or drug abuse recovery

1 or treatment program wishing to receive, and requesting, the
2 certification regardless of the source of the program's funding.

3 (b) The purposes of certification under this section shall be all
4 of the following:

5 (1) To identify programs which exceed minimal levels of
6 service quality, are in substantial compliance with the
7 department's standards, and merit the confidence of the public,
8 third party payers, and county alcohol and drug programs.

9 (2) To encourage programs to meet their stated goals and
10 objectives.

11 (3) To encourage programs to strive for increased quality of
12 service through recognition by the state and by peer programs in
13 the alcoholism and drug field.

14 (4) To assist programs to identify their needs for technical
15 assistance, training, and program improvements.

16 (c) Certification may be granted under this section on the basis
17 of evidence satisfactory to the department that the requesting
18 alcoholism or drug abuse recovery or treatment program has an
19 accreditation by a statewide or national alcohol or drug program
20 accrediting body. The accrediting body shall be one whose
21 accreditation meets or exceeds the department's standards and
22 which is recognized by the department.

23 (d) No fee shall be levied by the department for certification of
24 nonprofit organizations or local governmental entities under this
25 section.

26 (e) Certification, or the lack thereof, shall not convey any
27 approval or disapproval by the department, but shall be for
28 information purposes only.

29 (f) The standards developed pursuant to Section 11830 and the
30 certification under this section shall satisfy the requirements of
31 Section 1463.16 of the Penal Code.

32 (g) The department and the State Department of Social
33 Services shall enter into an interagency agreement to establish a
34 process by which the Department of Alcohol and Drug Programs
35 can certify residential facilities or programs serving primarily
36 adolescents as defined in paragraph (1) of subdivision (a) of
37 Section 1502 of the Health and Safety Code, and providing
38 alcoholism and drug recovery or treatment services.



1 ~~The departments shall report to the Legislature no later than~~
2 ~~January 1, 1991, on the certification process they have identified~~
3 ~~to be used by the department in certifying adolescent programs.~~

4 SEC. 25. Section 11963.5 of the Health and Safety Code is
5 repealed.

6 ~~11963.5.—(a) It is the intent of the Legislature that the policies~~
7 ~~and procedures governing the state's allocation formulas for~~
8 ~~funding alcohol and drug abuse prevention and treatment~~
9 ~~programs be reviewed and evaluated, including an evaluation of~~
10 ~~the feasibility of the state allocating funds based on indicators of~~
11 ~~high-incidence drug and alcohol use among counties.~~

12 ~~(b) The department shall conduct a study to assess the extent to~~
13 ~~which both alcohol and drug program funding allocation formulas~~
14 ~~to counties can be modified to include statewide indicators of~~
15 ~~high-incidence drug and alcohol use.~~

16 ~~The study shall include, but not be limited to, all of the~~
17 ~~following:~~

18 ~~(1) A review and assessment of the existing allocation formulas~~
19 ~~to counties, including a review of other allocation formulas used~~
20 ~~in selected states determined by the department.~~

21 ~~(2) An identification and assessment of potential statewide~~
22 ~~indicators of high-incidence drug and alcohol use among counties.~~

23 ~~(3) An examination of the feasibility of incorporating need~~
24 ~~indicators and other relevant measures into the allocation~~
25 ~~formulas.~~

26 ~~(4) An examination of the feasibility of incorporating need~~
27 ~~indicators into the allocation of funds at the local level.~~

28 ~~(5) Recommendations for modifying the existing allocation~~
29 ~~formulas to counties, including cost estimates. The department~~
30 ~~shall assess, to the extent possible, the impact of these~~
31 ~~recommendations on current allocations to counties.~~

32 ~~(c) In conducting the study, the department shall acquire input~~
33 ~~from county program administrators, private nonprofit providers,~~
34 ~~and other relevant groups and citizens. Public input may be~~
35 ~~accomplished through public hearings, roundtable discussions, or~~
36 ~~other formats as determined appropriate by the department. The~~
37 ~~department shall ensure input from ethnic minorities that reflect~~
38 ~~the demographics of the State of California.~~

~~(d) The department shall report its findings and recommendations to the Legislature on or before January 24, 1992.~~

SEC. 26. Section 11998.2 of the Health and Safety Code is amended to read:

11998.2. (a) “Department,” as used in this division, means the State Department of Alcohol and Drug Programs.

(b) The board of supervisors of each county is encouraged to prepare and adopt a county drug and alcohol abuse master plan, pursuant to paragraph (1) of subdivision (f) of Section 11998.1, that addresses as many of the long-range goals set forth in Section 11998.1 as possible. It is the intent of the Legislature that every county master plan include quantitative outcome objectives that, at a minimum, measure progress in the areas of prevention, education, enforcement, and treatment. It is the intent of the Legislature that these objectives include measurements of:

(1) The reduction of arrests for driving under the influence of drugs or alcohol, or both.

(2) The reduction of alcohol and drug-related arrests.

(3) Increased public education on the dangers of substance abuse and the available prevention techniques including specific measurements of children, parents, and teachers who have received this education.

(4) The reduction of alcohol- and drug-related deaths and injuries.

(5) The increased number of persons successfully completing drug and alcohol abuse services.

If a county master plan is adopted, the board of supervisors or its designee shall, in conjunction with the county advisory boards as established pursuant to paragraph (2) of subdivision (f) of Section 11998.1, annually assess the progress of the county in reaching its long-range goals.

(c) Every county or public or private agency within a county that applies for state or local assistance funds for drug and alcohol abuse efforts in their program, may address, to the extent possible, any long-range goals set forth in a county drug and alcohol abuse master plan established pursuant to subdivision (b), and funding priority may be given to those entities which address these goals within their respective programs.

1 (d) The Governor shall designate one state agency to act as the
2 lead agency on all drug and alcohol abuse matters.

3 (e) Every state agency that contracts or grants money to local
4 jurisdictions or programs for drug and alcohol abuse services shall
5 require the submission and shall review the contents of an
6 approved county drug and alcohol abuse master plan, to the extent
7 a plan has been adopted pursuant to subdivision (b).

8 ~~(f) On March 1, 1993, and annually thereafter, every~~ Every
9 state agency that offers drug and alcohol abuse services or
10 financial assistance shall report *annually* to the Legislature on its
11 efforts to achieve the master plan goals provided in Section
12 11998.1. Individual agencies may report separately or in
13 combination with other state agencies.

14 (g) The department shall send copies of this division to all
15 state-funded social service programs that provide drug and alcohol
16 abuse services.

17 (h) The department shall maintain copies of every county drug
18 and alcohol abuse master plan for review by other state agencies
19 and the Legislature.

20 (i) The Governor shall designate one statewide resource center
21 to coordinate efforts of other resource centers statewide and to
22 coordinate with local government and assist in their preparation of
23 drug and alcohol abuse master plans.

24 ~~(j) The Senate Office of Research shall prepare, on or before~~
25 ~~June 30, 1989, a summary of drug and alcohol abuse laws for use~~
26 ~~by the Legislature, the department, and all other related state~~
27 ~~agencies in oversight of drug and alcohol abuse programs, and in~~
28 ~~evaluating the need for statutory changes. To the degree possible~~
29 ~~this summary shall be available to the public.~~

30 ~~(k) Commencing June 30, 1989, the~~ The department shall
31 maintain an annually updated listing of all drug and alcohol abuse
32 programs provided or funded by the state. Every other state agency
33 shall regularly provide the department with current information on
34 programs they fund or provide.

35 ~~(l)~~

36 (k) The Governor's Policy Council on Drug and Alcohol Abuse
37 shall review and consider all of the goals contained in Section
38 11998.1.

39 ~~(m) After January 1, 1992, the Auditor General shall audit the~~
40 ~~department to determine the state's progress and to the degree~~

1 possible, the counties' progress toward meeting the master plan
2 objectives set forth by this division. On or before January 1, 1993,
3 the Auditor General shall report the findings resulting from these
4 audits to the Legislature.

5 SEC. 27. Section 16109 of the Health and Safety Code is
6 amended to read:

7 16109. (a) In the event that a project involving buildings
8 utilizing earthquake mitigation technologies and other new
9 seismic resistant design technologies requires design review and
10 plan approval by more than one public agency, the Coordinating
11 Council of the Building Standards Commission shall, to the
12 maximum extent feasible, consolidate the various hearings which
13 may be required in order to minimize the time required for the
14 hearings. This consolidation shall be for procedural purposes only
15 and shall not be construed as consolidating the statutory
16 responsibilities of the public agencies conducting the consolidated
17 hearings.

18 (b) ~~The Coordinating Council of the Building Standards~~
19 ~~Commission, in consultation with the State Architect, shall report~~
20 ~~to the Legislature by January 1, 1991, on recommendations for~~
21 ~~expediting and facilitating design review and plan approval of~~
22 ~~buildings utilizing earthquake mitigation technologies and other~~
23 ~~new seismic resistant design technologies.~~

24 SEC. 28. Section 1012.5 of the Military and Veterans Code is
25 repealed.

26 ~~1012.5. (a) The Department of Veterans Affairs shall~~
27 ~~conduct a study to determine the health care needs and the~~
28 ~~associated costs of providing appropriate care to meet the~~
29 ~~identified health care needs of current and future members of the~~
30 ~~Veterans' Home of California who are suffering from Alzheimer's~~
31 ~~disease and other dementia diseases. This study shall address, but~~
32 ~~not be limited to, the following:~~

33 (1) ~~The determination of what constitutes "appropriate care"~~
34 ~~for members suffering from Alzheimer's disease and other~~
35 ~~dementia diseases.~~

36 (2) ~~The estimated cost of providing appropriate care, including~~
37 ~~staffing and other support items.~~

38 (3) ~~The estimated cost of making any necessary capital~~
39 ~~improvements at the Veterans' Home of California sites to provide~~
40 ~~appropriate care.~~

1 ~~(4) The proposed methods of treatment to be utilized by the~~
2 ~~department in providing appropriate care.~~

3 ~~(b) The study shall be submitted to the Legislature on or before~~
4 ~~July 1, 1998. The cost associated with the preparation of this study~~
5 ~~shall be absorbed within the department's current resources.~~

6 SEC. 29. Section 7009 of the Penal Code is repealed.

7 ~~7009. (a) The Director of Corrections and the Legislative~~
8 ~~Analyst shall investigate the advisability of using lease or~~
9 ~~lease purchase arrangements to finance the acquisition,~~
10 ~~construction, and the underwriting of prison facilities authorized~~
11 ~~by the Legislature. For purposes of this section, the director may~~
12 ~~solicit bids for any lease or lease purchase in a newspaper of~~
13 ~~general circulation in the county in which the authorized project~~
14 ~~is located.~~

15 ~~(b) The director and the Legislative Analyst shall report their~~
16 ~~findings and recommendations relative to lease or lease purchase~~
17 ~~arrangements to the Legislature no later than January 1, 1984.~~

18 SEC. 30. Section 7514 of the Penal Code is amended to read:

19 7514. (a) It shall be the chief medical officer's responsibility
20 to see that personal counseling is provided to a law enforcement
21 employee filing a report pursuant to Section 7510, an inmate filing
22 a request pursuant to Section 7512, and any potential test subject,
23 at the time the initial report or request for tests is made, at the time
24 when tests are ordered, and at the time when test results are
25 provided to the employee, inmate, or test subject.

26 The chief medical officer may provide additional counseling to
27 any of these individuals, upon his or her request, or whenever the
28 chief medical officer deems advisable, and may arrange for the
29 counseling to be provided in other jurisdictions. The chief medical
30 officer shall encourage the subject of the report or request, the law
31 enforcement employee who filed the report, the person who filed
32 the request pursuant to Section 7512, or in the case of a minor, the
33 minor on whose behalf the request was filed, to undergo voluntary
34 HIV testing if the chief medical officer deems it medically
35 advisable. All testing required by this title or any voluntary testing
36 resulting from the provisions of this title, shall be at the expense
37 of the appropriate correctional institution.

38 ~~(b) On or before January 15, 1993, 1994, and 1995, the~~
39 ~~Department of Corrections, the Department of the California~~
40 ~~Youth Authority, and each law enforcement agency in which a~~

~~request for a test has been filed during the previous calendar year, shall report data to the Joint Committee on Prison Construction and Operations on all requests made during that period, plus specifics of the disposition of each request, the counseling provided, and its extent for each case. This data shall be provided by the committee to the Legislative Analyst, who shall compile a report to the Legislature on or before January 30, 1995, on whether the program is meeting the objectives of this title. The report shall include a recommendation on whether the program should be continued, terminated, or changed.~~

~~The Legislative Analyst shall consult with the Office of AIDS, within the State Department of Health Services, in preparing its evaluation.~~

~~Names of persons seeking tests or the subject of a request for a test shall not be included in any document made public as a result of this section.~~

~~Notwithstanding~~ *Notwithstanding* the repeal of this section in accordance with Section 7555, the duties imposed by this subdivision shall continue in effect until they have been complied with.

SEC. 31. Section 11110 of the Penal Code is repealed.

~~11110. The Attorney General shall perform a feasibility study of automated systems for storing and communicating law enforcement related photographs on or before January 1, 1995, and shall complete a study report to the Legislature on or before January 1, 1996.~~

SEC. 32. Section 13508 of the Penal Code is amended to read:

13508. (a) The commission shall do each of the following:

(1) Establish a learning technology laboratory that would conduct pilot projects with regard to needed facilities and otherwise implement modern instructional technology to improve the effectiveness of law enforcement training.

(2) Develop an implementation plan for the acquisition of law enforcement facilities and technology. In developing this plan, the commission shall consult with appropriate law enforcement and training organizations. The implementation plan shall include each of the following items:

(A) An evaluation of pilot and demonstration projects.

(B) Recommendations for the establishment of regional skills training centers, training conference centers, and the use of modern instructional technology.

(C) A recommended financing structure.

~~(3) Report to the Legislature on or before January 1, 1995, as to the status and effectiveness of the pilot projects implemented under this section.~~

(b) The commission may enter into joint powers agreements with other governmental agencies for the purpose of developing and deploying needed technology and facilities.

(c) Any pilot project conducted pursuant to this section shall terminate on or before January 1, 1995 unless funding is provided for the project continuation.

SEC. 33. Section 13871 of the Penal Code is repealed.

~~13871. The Attorney General shall, on January 1, 1985, commence a one-year project to develop a program model to collect, compile, and analyze information about racial, ethnic, and religious crimes. The project shall include, but not be limited to, all of the following duties:~~

~~(a) Develop uniform guidelines for consistent identification of racial, ethnic, and religious crimes.~~

~~(b) Recommend an appropriate means for statewide collection of data on racial, ethnic, and religious crimes.~~

~~(c) Recommend an appropriate state agency to implement collection of this information.~~

~~(d) Submit to the Legislature a final report describing the findings of the study by January 1, 1986.~~

SEC. 34. Section 14210 of the Penal Code is amended to read:

14210. (a) The Legislature finds and declares that it is the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.

(b) The Department of the California Highway Patrol shall continue to implement the written policy, required to be developed and adopted pursuant to former Section 11114.3, for the coordination of each of its divisions with the police and sheriffs' departments located within each division in taking, transmitting, and investigating reports of missing persons, including runaways.

~~(c) The Department of the California Highway Patrol shall report to the Legislature on or before June 30, 1989, regarding the experience under, and the effects of, subdivision (b).~~

SEC. 35. Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of the Public Utilities Code is repealed.

SEC. 36. Section 8303 of the Public Utilities Code is repealed.

~~8303. The Department of the California Highway Patrol shall, on or before July 1, 1986, report to the Legislature regarding the establishment of procedures for notifying local officials of the shipment of hazardous radioactive materials containing commercially produced, spent radioactive fuel.~~

SEC. 37. Section 2237.3 of the Revenue and Taxation Code is repealed.

~~2237.3. (a) No later than April 1, 1983, each local agency (as defined in Section 95) shall report to the Controller any ad valorem property tax levied in fiscal year 1978-79, 1979-80, 1980-81, 1981-82, or 1982-83 by, or on behalf of, the local agency at a rate which is in excess of the limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution. For purposes of this section, ad valorem property taxes levied by the county or by a special district governed by the board of supervisors at a rate in excess of the limitation prescribed in subdivision (a) of Section 1 of Article XIII A of the Constitution shall be reported by the county auditor.~~

~~(b) The information to be reported pursuant to this section shall be provided on a form to be specified by the Controller and shall include all of the following information:~~

~~(1) A description of the local obligation or indebtedness for which the tax was levied.~~

~~(2) The reason for the exemption from the limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution.~~

~~(3) The date of the election authorizing each tax levy, the results of the election, and a copy of the ballot measure, if the levy was authorized by election.~~

~~(4) The tax rate and the total revenues generated in each of the fiscal years.~~

1 ~~(5) Actual revenues, if any, generated from the levy in the prior~~
2 ~~fiscal year and actual expenditures, if any, made in the prior year~~
3 ~~for the local obligation or indebtedness for which the tax was~~
4 ~~levied.~~

5 ~~(6) Any other information relating to the levy of property tax~~
6 ~~at a rate in excess of the limitation prescribed by subdivision (a)~~
7 ~~of Section 1 of Article XIII A which the Controller deems~~
8 ~~relevant.~~

9 ~~(c) With respect to ad valorem property tax levies in excess of~~
10 ~~the rate limitation prescribed in subdivision (a) of Section 1 of~~
11 ~~Article XIII A of the Constitution which have been authorized by~~
12 ~~the voters but not collected in fiscal years 1978-79, 1979-80,~~
13 ~~1980-81, 1981-82, or 1982-83, each local agency shall report the~~
14 ~~information specified in paragraphs (1), (2), and (3) of subdivision~~
15 ~~(b).~~

16 ~~(d) The official of each local agency responsible for submitting~~
17 ~~the report required by this section shall certify that the information~~
18 ~~submitted is, to the best of his or her knowledge, true and accurate.~~

19 ~~(e) The Controller shall require that any property tax levied in~~
20 ~~fiscal years 1978-79, 1979-80, 1980-81, 1981-82, or 1982-83 at~~
21 ~~a rate which is in excess of the limitation prescribed by subdivision~~
22 ~~(a) of Section 1 of Article XIII A of the Constitution be reported~~
23 ~~in the manner specified in this section.~~

24 ~~(f) For purposes of this section, an “ad valorem property tax”~~
25 ~~means any tax or assessment imposed on the basis of the value of~~
26 ~~the real property, including any special ad valorem assessment.~~

27 ~~(g) If a local agency fails to file a report required by this section~~
28 ~~by April 1, 1983, the Controller and the county auditor in the~~
29 ~~succeeding fiscal year shall reduce the payment they are required~~
30 ~~to make to such jurisdiction based on claims filed pursuant to~~
31 ~~Section 16113 of the Government Code. The reduction shall be 10~~
32 ~~percent of the prior year’s payment or five thousand dollars~~
33 ~~(\$5,000), whichever is less.~~

34 SEC. 38. Section 2327 of the Revenue and Taxation Code is
35 repealed.

36 2327. For the 1973-74 fiscal year, the report required by
37 Section 2325 shall be due by May 15, 1974. In succeeding fiscal
38 years, the provisions of Section 2326 shall be effective.

39 SEC. 39. Section 18405 of the Revenue and Taxation Code is
40 amended to read:

1 18405. (a) In the case of a new statutory provision in Part 7.5
2 (commencing with Section 13201), Part 10 (commencing with
3 Section 17001), Part 10.2 (commencing with Section 18401), or
4 Part 11 (commencing with Section 23001), or the addition of a new
5 part, the Franchise Tax Board itself is authorized to grant relief as
6 set forth in subdivision (b) from the requirements of the new
7 statutory provision in a manner as provided in subdivision (c).

8 (b) The relief provided in subdivision (a) may be granted only
9 for the first taxable year for which the new statutory provision is
10 operative and only when substantial unintentional noncompliance
11 with the new provision has occurred by a class of affected
12 taxpayers. The relief is limited to waiving penalties or perfecting
13 elections and may be granted only to taxpayers who timely paid
14 taxes and other required amounts shown on the return consistent
15 with the election and who timely filed their return (with regard to
16 extension).

17 (c) The relief granted in this section shall, upon the
18 recommendation of the executive officer of the Franchise Tax
19 Board, be made by resolution of the Franchise Tax Board which
20 sets forth the conditions, time, and manner as the Franchise Tax
21 Board determines are necessary. The resolution shall be adopted
22 only by an affirmative vote of each of the three members of the
23 Franchise Tax Board.

24 (d) For purposes of this section:

25 (1) “New statutory provision” means a complete, newly
26 established tax program, tax credit, exemption, deduction,
27 exclusion, penalty, or reporting or payment requirement and does
28 not mean amendments made to existing tax provisions that make
29 minor modifications or technical changes.

30 (2) “Perfecting elections” includes correcting omissions or
31 errors only when substantial evidence is present with the filed
32 return that the taxpayer intended to make the election and does not
33 include making an election where one was not previously
34 attempted to be made.

35 (3) “Substantial unintentional noncompliance,” for purposes
36 of Part 11 (commencing with Section 23001), includes any case in
37 which the taxpayer filed a water’s-edge contract with a timely filed
38 original return and timely paid all taxes and other required
39 amounts shown on the return consistent with the water’s-edge
40 election, but where the taxpayer’s election is or might be

1 invalidated by reason of the act or omission of an affiliated
2 corporation that is not the parent or a subsidiary of the taxpayer.
3 In that case, notwithstanding anything to the contrary in this
4 section, relief shall be deemed granted to validate the taxpayer's
5 water's-edge election, conditioned only upon an agreement by the
6 affiliated corporation to either (A) file a water's-edge contract and
7 pay all taxes and other required amounts consistent with that
8 election, or (B) waive any right, with respect to any taxable year
9 for which the corporation did not make a water's-edge election on
10 its own timely filed return, to determine its income derived from
11 or attributable to sources within this state pursuant to that election,
12 whichever measure produces the greater amount of tax.

13 (e) This section shall apply to any Franchise Tax Board
14 resolution adopted after the effective date of this section with
15 respect to any taxable year which is subject to an open statute of
16 limitations on the date of the resolution.

17 ~~(f) On or before March 1, 1995, the Franchise Tax Board shall~~
18 ~~report to the Legislature on the utilization of this section. The~~
19 ~~report shall describe the class or classes of taxpayers provided~~
20 ~~relief, the issue involved and the number of taxpayers affected,~~
21 ~~and, where applicable, the aggregate amount of penalty relieved~~
22 ~~for each class of taxpayers.~~

23 SEC. 40. Section 19264 of the Revenue and Taxation Code is
24 amended to read:

25 19264. (a) Notwithstanding Sections 706.071 and 706.080
26 of the Code of Civil Procedure, the Franchise Tax Board shall
27 establish a pilot program to issue earnings withholding orders for
28 taxes and any other notice or document required to be served or
29 provided in connection with an earnings withholding order,
30 pursuant to Article 4 (commencing with Section 706.070) of
31 Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil
32 Procedure, to government and private employers by magnetic
33 media, electronic transmission, or other electronic technology.
34 The purpose of the pilot program is to study the feasibility and cost
35 effectiveness of the Franchise Tax Board issuing earnings
36 withholding orders to employers using magnetic media, electronic
37 transmission, or other electronic technology.

38 (b) The pilot program shall apply to any earnings withholding
39 order for taxes and any other notice or document required to be
40 served or provided in accordance with subdivision (a) on or after

1 January 1, 1997, and before January 1, 1999, to an employer who
2 agrees to participate in the pilot program.

3 (c) For purposes of the pilot program, the Franchise Tax Board
4 shall identify and work with employers who agree to be served as
5 authorized by subdivision (a).

6 (d) The pilot program shall be successful if the Franchise Tax
7 Board can demonstrate all of the following:

8 (1) The Franchise Tax Board's time to prepare and serve
9 earnings withholding orders by magnetic media, electronic
10 transmission, or other electronic technology, as authorized by
11 subdivision (a), will be reduced by at least two days when
12 compared to orders that would otherwise be prepared and served
13 under Article 4 (commencing with Section 706.070) of Chapter 5
14 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

15 (2) The Franchise Tax Board's administrative cost to prepare
16 and serve earnings withholding orders by magnetic media,
17 electronic transmission, or other electronic technology, as
18 authorized by subdivision (a), will be less than the cost to prepare
19 and serve orders as specified under Article 4 (commencing with
20 Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of
21 the Code of Civil Procedure.

22 (3) The employer's time and administrative costs to receive
23 and comply with orders served in accordance with subdivision (a)
24 do not exceed the time and administrative costs when compared to
25 receiving and complying with orders served in accordance with
26 Article 4 (commencing with Section 706.070) of Chapter 5 of
27 Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

28 ~~(e) The Franchise Tax Board shall report to the Legislature on~~
29 ~~or before January 1, 1999, as to the results of the pilot program.~~
30 ~~The report shall include a cost comparison and the administrative~~
31 ~~advantages and disadvantages of preparing and serving earnings~~
32 ~~withholding orders by traditional methods and by magnetic media,~~
33 ~~electronic transmission, or other electronic technology.~~

34 ~~(f) If the Franchise Tax Board determines that the pilot program~~
35 ~~is successful based on the criteria stated in subdivision (d), the~~
36 ~~Franchise Tax Board may continue to issue earnings withholding~~
37 ~~orders for taxes and any other notice or document required to be~~
38 ~~served or provided in connection with an earnings withholding~~
39 ~~order, pursuant to Article 4 (commencing with Section 706.070)~~
40 ~~of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil~~

1 Procedure, to government and private employers who agree to
2 accept service by magnetic media, electronic transmission, or
3 other electronic technology.

4 ~~(g)–~~

5 ~~(f)~~ This section shall apply in the same manner and with the
6 same force and effect and to the full extent as if this section had
7 been incorporated in full into Article 4 (commencing with Section
8 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code
9 of Civil Procedure.

10 SEC. 41. Section 2575 of the Vehicle Code is repealed.

11 ~~2575.—The Department of the California Highway Patrol shall~~
12 ~~submit a report to the Legislature on or before January 1, 1993,~~
13 ~~concerning the implementation of the licensing and inspection~~
14 ~~program under this chapter, including, but not limited to, the~~
15 ~~amount collected for license fees and the nature of the violations~~
16 ~~charged.~~

17 SEC. 42. Section 4750.2 of the Vehicle Code is repealed.

18 ~~4750.2.—(a) The department shall conduct a study of methods~~
19 ~~for verifying financial responsibility with respect to vehicles being~~
20 ~~registered or reregistered. The insurance industry, the insurance~~
21 ~~trade industry, and consumer groups shall be invited to participate~~
22 ~~in the study and to cooperate with the department in providing~~
23 ~~information necessary to the conduct of the study. Any~~
24 ~~information provided by an insurer for purposes of the study shall,~~
25 ~~except as provided in Section 4750.4, be kept confidential by the~~
26 ~~department.~~

27 ~~(b) The department shall prepare and transmit to the~~
28 ~~Legislature, on or before April 1, 1992, an interim report which~~
29 ~~shall include, but not be limited to, all of the following:~~

30 ~~(1) Alternatives for verifying financial responsibility, together~~
31 ~~with the cost of each alternative.~~

32 ~~(2) Methods used by other states for similar verification, and~~
33 ~~the results of those methods.~~

34 ~~(3) The recommended method of verification.~~

35 ~~(4) An implementation plan to permit evaluation of the~~
36 ~~recommended method.~~

37 ~~(c) The department shall prepare and transmit to the~~
38 ~~Legislature, on or before December 1, 1992, a final report~~
39 ~~containing the results of the evaluation and recommendations for~~
40 ~~implementation of a verification program.~~

1 SEC. 43. Section 14112 of the Vehicle Code is amended to
2 read:

3 14112. (a) All matters in a hearing not covered by this
4 chapter shall be governed, as far as applicable, by Chapter 5
5 (commencing with Section 11500) of Part 1 of Division 3 of Title
6 2 of the Government Code.

7 (b) Subdivision (a) of Section 11425.30 of the Government
8 Code does not apply to a proceeding for issuance, denial,
9 revocation, or suspension of a driver's license pursuant to this
10 division. ~~The Department of Motor Vehicles shall study the effect~~
11 ~~of that subdivision on proceedings involving special certificates~~
12 ~~issued pursuant to Sections 12517 to 12527, inclusive, and shall~~
13 ~~report to the Legislature by December 31, 1999, with~~
14 ~~recommendations concerning experience with its application in~~
15 ~~those proceedings.~~

16 SEC. 44. Section 32005 of the Vehicle Code is repealed.

17 ~~32005. The Department of the California Highway Patrol~~
18 ~~shall submit a report to the Legislature on or before January 1,~~
19 ~~1983, concerning the implementation of the licensing and~~
20 ~~inspection program under this division, including, but not limited~~
21 ~~to, the amount collected for license fees, the number of companies~~
22 ~~and terminals inspected, and the nature of the violations charged.~~

23 SEC. 45. Section 34508.5 of the Vehicle Code is repealed.

24 ~~34508.5. (a) The department shall, pursuant to its~~
25 ~~investigation of schoolbus accidents in accordance with Section~~
26 ~~12517.1, investigate accidents involving schoolbuses, school~~
27 ~~pupil activity buses, and youth buses for evidence of overcrowding~~
28 ~~aboard the bus or obstructed aisles, or both, contributing to~~
29 ~~increased pupil injury or risk of injury. The department shall also~~
30 ~~inquire of other states containing large urban areas as to whether~~
31 ~~increased pupil injuries in schoolbus, school pupil activity bus, and~~
32 ~~youth bus accidents resulted from overcrowding or obstructed~~
33 ~~aisles existing at the time of the accident.~~

34 ~~(b) The department shall prepare and submit to the Legislature,~~
35 ~~on or before July 1, 1993, a report on its findings and~~
36 ~~recommendations from its investigation pursuant to subdivision~~
37 ~~(a), including recommendations for improving the safe~~
38 ~~transportation of pupils together with any needed revisions to~~
39 ~~existing laws or regulations relating to seating aboard schoolbuses,~~

~~school pupil activity buses, and youth buses and requiring aisles to be unobstructed while those buses are in motion.~~

SEC. 46. Section 40001 of the Vehicle Code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner to request, cause, or permit the operation of any vehicle that is any of the following:

(1) Not registered or for which any fee has not been paid under this code.

(2) Not equipped as required in this code.

(3) Not in compliance with the size, weight, or load provisions of this code.

(4) Not in compliance with the regulations promulgated pursuant to this code, or with applicable city or county ordinances adopted pursuant to this code.

(5) Not in compliance with the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board.

(c) Any employer who violates an out-of-service order, that complies with Section 396.9 of Title 49 of the Code of Federal Regulations, or who knowingly requires or permits a driver to violate or fail to comply with that out-of-service order, is guilty of a misdemeanor.

(d) An employer who is convicted of allowing, permitting, requiring, or authorizing a driver to operate a commercial motor vehicle in violation of any statute or regulation pertaining to a railroad-highway grade crossing is subject to a fine of not more than ten thousand dollars (\$10,000).

(e) Whenever a violation is chargeable to the owner or lessee of a vehicle pursuant to subdivision (a) or (b), the driver shall not be arrested or cited for the violation unless the vehicle is registered in a state or country other than California, or unless the violation is for an offense that is clearly within the responsibility of the driver. ~~The Department of the California Highway Patrol shall report to the Legislature on or before January 1, 1988, concerning the effects of this subdivision.~~

(f) Whenever the owner, or lessee, or any other person is prosecuted for a violation pursuant to this section, the court may, on the request of the defendant, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. However, the court may make the driver a codefendant only if the driver is the owner or lessee of the vehicle, or the driver is an employee or a contractor of the defendant who requested the court to make the driver a codefendant. If the codefendant is held solely responsible and found guilty, the court may dismiss the charge against the defendant.

(g) In any prosecution under this section, it is a rebuttable presumption that any person who gives false or erroneous information in a written certification of actual gross cargo weight has directed, requested, caused, or permitted the operation of a vehicle in a manner contrary to law in violation of subdivision (a) or (b), or both.

SEC. 47. Section 1061 of the Water Code is repealed.

~~1061.—The board shall prepare and submit to the Governor and the Legislature by July 1, 1988, a report evaluating the board's ability to monitor and enforce compliance with bypass flow and other requirements included as conditions in permits and licenses. The report will include a discussion of all of the following:~~

~~(a) The number of permits and licenses with bypass flow conditions.~~

~~(b) The current enforcement effort and strategy, and its deficiencies.~~

~~(c) Recommendations for establishment of an efficient and reliable program to systematically enforce compliance with minimum flow and other requirements and act as a greater deterrent to violation.~~

~~(d) The cost of, and potential funding sources for, implementing the recommendations.~~

SEC. 48. Section 4681.2 of the Welfare and Institutions Code is repealed.

~~4681.2.—The Legislative Analyst shall conduct a study of the feasibility of establishing an independent rate-setting commission responsible for the establishment of rates and fees for community care facilities as defined in Section 1502 of the Health and Safety Code, and health facilities, as defined in Section 1250 of the Health~~

1 ~~and Safety Code, for developmentally disabled persons and report~~
2 ~~thereon to the Legislature no later than March 1, 1978. The study~~
3 ~~shall evaluate the feasibility of adopting a system similar to the~~
4 ~~rate-setting system for public utilities in California.~~

5 SEC. 49. Section 14026.5 of the Welfare and Institutions
6 Code is amended to read:

7 14026.5. (a) The State Director of Health Services may issue
8 Medi-Cal cards to Medi-Cal fraud investigators for the purpose of
9 conducting investigations of Medi-Cal fraud, or a violation of the
10 Medical Practice Act as set forth at Chapter 5 (commencing with
11 Section 2000) of Division 2 of the Business and Professions Code
12 upon written request to the State Director of Health Services, or his
13 or her designee, from the head of the requesting agency stating the
14 purpose of the investigation. The request shall be based upon a
15 specific complaint or information alleging Medi-Cal fraud. The
16 request shall be based upon a specific complaint or information
17 from an outside agency pursuant to its standard procedure for
18 referring cases to another agency where there is suspicion of
19 Medi-Cal fraud.

20 (b) (1) Upon a complaint by any individual alleging
21 information creating a reasonable suspicion that any person is
22 engaging in Medi-Cal fraud, the State Director of Health Services
23 shall issue Medi-Cal cards for the purpose of conducting
24 investigations of Medi-Cal fraud, or a violation of the Medical
25 Practice Act as set forth in Chapter 5 (commencing with Section
26 2000) of Division 2 of the Business and Professions Code, upon
27 an order of a magistrate issued upon a showing of reasonable
28 suspicion that the person being investigated has committed or is
29 committing Medi-Cal fraud or a violation of the Medical Practice
30 Act as set forth in Chapter 5 (commencing with Section 2000) of
31 Division 2 of the Business and Professions Code.

32 (2) For purposes of this section, “reasonable suspicion” means
33 that a peace officer subjectively entertains such a suspicion and
34 that it is objectively reasonable for him or her to do so. The facts
35 shall be those which would cause any reasonable peace officer in
36 a like position drawing when appropriate on his or her training and
37 experience, to suspect the same criminal activity and the same
38 involvement by the person in question. A showing of reasonable
39 suspicion may be made either by written statement under penalty

1 of perjury or by oral statement taken under oath, recorded and
2 transcribed.

3 (c) Nothing in this section shall be construed to mean that it is
4 the exclusive method for conducting investigations for Medi-Cal
5 fraud or for violations of the Medical Practice Act as set forth at
6 Chapter 5 (commencing with Section 2000) of Division 2 of the
7 Business and Professions Code.

8 (d) The State Department of Health Services shall report to the
9 Legislature every six months commencing June 1, 1981, on the
10 utilization of Medi-Cal cards issued pursuant to this section. The
11 report shall include, among other matters, a description of the
12 types of criminal investigations conducted pursuant thereto.

13 ~~(e) The Legislative Analyst shall report to the Legislature by~~
14 ~~January 1, 1991, on the utilization of Medi-Cal cards issued~~
15 ~~pursuant to this section.~~

